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KINGS COUNTY GAS LAWYER SHUTS OFF PEOPLE'S PLEA FOR 80C. GAS BY A LONG SPEECH

Hearing Before P. S. Commission Again Put Off, This Time Until Monday.

PUBLIC'S LAST CHANCE.

Then Consumers Will Have Their Inning and Argue for Uniform City Rate.

By Sophie Irene Loeb.

It took Jesse Ricks, counsel for the Kings County Lighting Company, several hours yesterday to explain to the Public Service Commission, in a mass of technicalities and property

valuations, just why his particular company ought to charge 95 cents for gas, as against other companies, which charge 80 cents.

So much time was occupied in this endeavor that the citizens did not get an opportunity to answer these contentions and the commission agreed to further hear them next Monday at 11 o'clock.

O. C. Semple, counsel for the commission, summed up his case, and gave as the result of their investigation that this company had "paid off every deficiency, and not a dollar of 'going value' is to be allowed." (The Court of Appeals returned the case to the commission for the purpose of ascertaining more about the "going value" of the concern.)

Mr. Semple asserted: "The investors have received dollar for dollar what they put in besides money left in to make improvements in the business, that is, the excess was less in the business."

He also presented a table showing the profits of the company, which had yielded a 7 per cent. return.

Herbert Reeves, one of the pioneers for the citizens' fight for an 80-cent gas rate, presented some important points as to why the consumers had long ago been entitled to an 80-cent rate. He reminded the commission that this same cry on the part of the company against an 80-cent gas rate was also raised by the other companies, saying that they would go into bankruptcy if such a rate was established.

"Look at them now," said Mr. Reeves, "they certainly have increased their dividends and profits to an appreciable degree."

COMPANY KNOWS THERE'S PROFIT AT 80 CENTS.

He also pointed out to the commission that "nobody can tell what the company can do as well as the company itself." When it offered to reduce the rates in 1911, so that now there would have been an 80-cent gas rate in force, they would not have made an offer if they were not able to do it.

Mr. Ricks admitted that his company "has a beautiful future," and that "the hostility against this company is perfectly natural." This statement was made in view of the fact that Assemblyman Green had shown the ridiculous situation of the case with one consumer paying ninety-five cents for gas on one side of the street

and another paying eighty cents directly opposite.

Assemblyman Green also urged the commission to reduce the capitalization of the company, saying: "My request is to reduce the capitalization of the Kings County Gas Company, of the \$1,111,000, which represents the overnight capitalization. Also the consideration of the books of the company which were destroyed or became suddenly missing."

"I desire to call attention to the reduction of the capital stock of the Brooklyn Borough Gas Company, to which they voluntarily agreed, at the suggestion of the Public Service Commission. We cannot appraise the 'going value' on watered capitalization unless the watered capitalization is reduced. The public to my mind does not oppose the paying of dividends to a public service corporation on the proper capital invested. But it does oppose paying dividends on watered stock."

THE PECULIAR CLASH IN BROOKLYN RATES.

"This neighborhood is populated by a working class people, and just to draw an example of that particular street, a certain woman I know resided on the side of the street where the Flatbush Gas Company has its main, and she moved to the other side of the street, where the Kings County Company was supplying gas. Upon receiving her gas bill from the Kings County Company she immediately called upon me to sign a complaint that the company had advanced her gas from 80 cents to 95 cents, just because she had moved across the street."

"I informed the lady we expected that the people would, in a short time, be able to move anywhere in Brooklyn and not be overcharged for gas. Past experience have no doubt shown that the gas can be bought and manufactured and sold for 80 cents at a profit to the gas companies and that the public feels that it has a right to expect from the Public Service Commission an order that this company should charge no more than 80 cents, the same as the company which supplies the gas across the street in the very same district."

GAS ATTORNEYS OUGHT TO "GET TOGETHER."

"At a hearing in Albany this year the attorney for the gas company stated that the cost of gas for the Kings County was \$1.06 per thousand, while the attorney for the gas company at the present hearing stated that the cost of producing gas was 74 cents per thousand. Neither statement, from my view of the case, is correct."

"It seems to me that in deciding that the company shall not charge more than 80 cents for gas, the commission will have decided the case in a fair, honest and just manner both to the public and to the gas company."

One of the items that brought out

various arguments as to capitalization is the valuable contract which this company has had with the city for about twenty-five years.

Mr. Ricks and Mr. Semple differed as to where this contract should be properly placed for rate making purposes.

I drew the attention of the commission to the wide margin of consideration that is allowed them, according to law, in taking into consideration any kind of profits that puts the company on a paying basis from which rates are deducted. This law is especially referred to in the Court of Appeals' decision in this case saying:

"The commission may consider all facts which in its judgment have any bearing upon a proper determination of the question although not set forth in the complaint and not within the allegations contained therein, with due regard among other things to a reasonable average return upon capital actually expended and to necessity of making reservation out of income for surplus and contingencies."

Therefore, this very contract which has yielded such a solid dividend, amounting to over \$2,500,000, should not properly be eliminated for rate-making purposes. Further the former investigation of the Public Service Commission specifically sets forth: "The public lighting contract resembles other contracts between company and consumers. All are property, and presumably all are profitable."

It is plainly evident, therefore, and asserted by the Public Service Commission, that the company practically went into the business in view of securing this valuable street lighting revenue.

That it has materially insured the company against losses has not been disputed, and this in turn should insure to the public a rate, at least, similar to that of other companies who have not had such a valuable contract and consequently less insurance against loss.

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RAPID TRANSIT WORK MUST GO ON, SAYS BOARD

Objects to Delay in Further Third Tracking of "L" in Fulton Street, Brooklyn.

Despite protests from Robert A. Shaw of the Committee of One Hundred, Alderman Aron L. Squiers and others, the Board of Estimate to-day refused to delay further the rapid transit work along Fulton Street, Brooklyn, which consists of the third tracking of the "L."

"This matter can't be delayed any longer," said Alderman President McAneny. "I am willing to let the matter lie over for a week, but the Public Service Commission, which is anxious to go ahead with its rapid transit improvements, must be taken into consideration."

"There is important litigation on the rapid transit question going on before Judge Brown," said Alderman Squiers, "and it would be unfair for this Board or for the Public Service Commission to act before the facts brought out at the court hearings are included in your deliberations."

Mayor Mitchell asked how long before the decision in the case before Judge Brown could be had.

A week or ten days, some one replied.

"Yes," said the Mayor, "then there will be an appeal and an appeal from the appeal."

It was decided to hold a conference next Monday.

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